

STATE OF SOUTH CAROLINA

(Caption of Case)

Complaint of Wayne Pennell v. Rock Hill Telephone Company, d/b/a Comporium Communications

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET

DOCKET

NUMBER: 2008 - 25 - C

(Please type or print)

Submitted by: Margaret M. Fox

SC Bar Number: 65418

Address: McNair Law Firm, P. A.

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P. O. Box 11390

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Columbia, SC 29211

Other: _____

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:** _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input checked="" type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

McNAIR LAW FIRM, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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February 28, 2008

Mr. Charles L. A. Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, South Carolina 29210

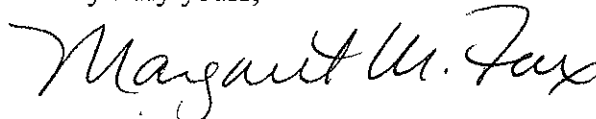
Re: Complaint of Wayne Pennell v. Rock Hill Telephone Company
d/b/a/ Comporium Communications
Docket No. 2008-25-C

Dear Mr. Terreni:

Enclosed for filing on behalf of the Rock Hill Telephone Company, please find an Answer in the above-referenced docket. By copy of this letter and Certificate of Service, all parties of record are being served by U. S. Mail with a copy of the Answer.

Thank you for your assistance.

Very truly yours,



Margaret M. Fox

MMF/rwm
Enclosures

cc: Parties of Record

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No. 2008-25-C

IN RE:

Wayne Pennell,

Complainant/Petitioner,

vs.

Rock Hill Telephone Company,
d/b/a Comporium Communications,

Defendant/Respondent.

**ANSWER OF ROCK HILL
TELEPHONE COMPANY, d/b/a
COMPORIUM COMMUNICATIONS**

In compliance with the Notice issued January 30, 2008, Rock Hill Telephone Company, d/b/a Comporium Communications ("Comporium" or "the Company"), respectfully submits this Answer to the allegations made in an email sent to the Public Service Commission of South Carolina ("Commission") by Wayne Pennell on January 11, 2008. The issues raised in Mr. Pennell's email essentially mirror those raised by his wife, Mrs. Randi Pennell, during calendar year 2007, and involve the same customer account. Those earlier complaints were investigated by the Office of Regulatory Staff ("ORS"), and were resolved between Comporium and the Pennells.

Mr. Pennell's email refers to issues that occurred prior to August 23, 2007. The service-related issues were resolved through diagnostic testing and corrective actions taken by Comporium, both on its own initiative and in response to suggestions made by an Office of Regulatory Staff engineer.

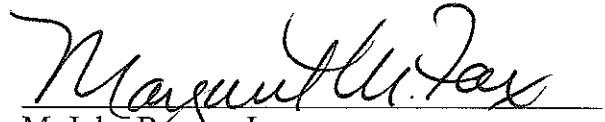
On August 23, 2007, Comporium's Executive Vice President of Operations met with the Pennells to discuss their service and billing concerns, and the parties agreed to a resolution of all matters prior to that date. As can be seen from the Letter to Wayne and Randi Pennell from Glenn McFadden, dated September 6, 2007, which is attached hereto as "Exhibit A," Comporium conveyed to the Pennells that, based on test results from numerous site visits, the telephone service provided by Comporium to the Pennells' residence meets or exceeds the quality of service required by regulatory authorities, as well as internal quality benchmarks set by the Company itself. In order to resolve the dispute, however, Comporium agreed to waive all charges for local and long distance telephone services rendered to the Pennells prior to that date. In return, the Pennells agreed that they would be responsible to pay Comporium for local and long distance services rendered to them on or after August 23, 2007. The Pennells failed to pay charges as they became due for telephone service provided after August 23, 2007, and their service was terminated, in accordance with Commission rules and regulations.

Despite Mr. Pennell's allegations to the contrary, his service was disconnected because of failure to pay undisputed amounts owed. The Commission's rules and regulations recognize the right of a telephone company to terminate a customer's telephone service for "failure of the customer to fulfill his contractual obligations for service and/or facilities subject to regulation by the commission." S.C. Code Ann. Regs. 103-625.f.

Comporium is not aware of any current dispute regarding Mr. Pennell's service or billing. Prior disputes were resolved through diagnostic testing and corrective measures, as well as the waiver of all unpaid fees for local and long distance provided prior to August 23, 2007. In his email dated January 11, 2008, Mr. Pennell appears to be asking the Commission to force Comporium to

reinstate services for which Mr. Pennell clearly has no intention of paying. The requested relief is inappropriate under the circumstances, and should be denied.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Margaret M. Fox", written over a horizontal line.

M. John Bowen, Jr.

Margaret M. Fox

McNair Law Firm, P.A.

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Attorneys for Rock Hill Telephone Company,
d/b/a Comporium Communications

February 28, 2008

Columbia, South Carolina.

EXHIBIT A

COMPORIUM®

Communications

Telephone
Long Distance
Wireless
Cable TV
Internet
Security

September 6, 2007

Wayne & Randi Pennell
3012 Hitching Post Lane
Rock Hill, SC 29732

Dear Wayne & Randi:

This letter is in response to our meeting of August 23, 2007. It was nice to meet you and your family. You sure do have two beautiful daughters.

In addressing your complaints, we have made approximately 17 site visits to your residence during this year alone, and have spent over \$5,000.00 in costs to test your telephone system and to correct any issues or potential issues that we control. Based on this work and the test results we have received, we believe that the telephone service we are providing to your residence, including access to 911 service, meets or exceeds the quality of service levels that are required of us by the state regulatory authorities and the internal quality benchmarks that we require of ourselves.

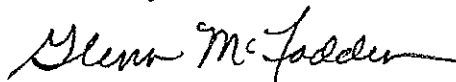
The testing we performed did reveal some minor issues in our system, which has now been corrected, as well as some problems with your telephones and with the service provided by your long distance carrier. In order to address this entire situation, Comporium has agreed to waive all charges for local and long distance telephone services rendered to you before Thursday, August 23, 2007. This waiver amount is \$494.97. Comporium has also agreed to waive all charges for cable modem services rendered to you on or before Thursday, May 31, 2007. This waiver amount is \$217.65. You agreed that you will be responsible to pay Comporium for local and long distance telephone services rendered to you on and after August 23, 2007, and for cable modem services rendered to you after May 31, 2007.

During our meeting, you mentioned that you have switched your long distance carrier to Qwest. As I informed you by telephone on August 24, 2007, Qwest had not formally taken over your long distance service as of that time. I have since learned that Qwest did not begin to service your long distance account until Friday, August 31, 2007. Therefore, you will be responsible to pay Comporium for all long distance charges you incurred on and after August 23, 2007, until Friday, August 31, 2007.

We will be glad to address what, if any, future concerns or complaints you have with your telephone or cable modem services. Please make sure, however, that you check your telephones or computers first. Our standard practice is to charge for service calls when the problems relate to telephones and/or computers that a customer purchases outside of the Comporium network.

Should you have any additional questions or comments please do not hesitate to call me. I wish the best to you and your family.

Sincerely,



Glenn McFadden
Executive Vice President, Operations

GM:lb

BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

DOCKET NO. 2008-25-C

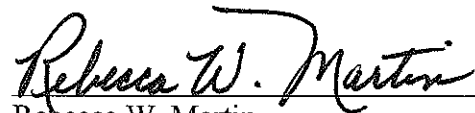
IN RE Complaint of Wayne Pennell v. Rock Hill)
 Telephone Company d/b/a/ Comporium)
 Communications)
 _____)

**CERTIFICATE
OF SERVICE**

This is to certify that I, Rebecca W. Martin, an employee with the McNair Law Firm, P. A., have this date served one (1) copy of the attached Answer in the above-referenced matter to the persons named below by causing said copies to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below.

Wayne Pennell
3012 Hitching Post Lane
Rock Hill, South Carolina 29732

Shannon Bowyer Hudson, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211



Rebecca W. Martin
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800

February 28, 2008

Columbia, South Carolina